

UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

ORDER

NO. 03-2871

United States of America,

Appellee,

vs.

Louis F. Pirani,

Appellant.

*

*

*

* Appeal from the United States

* District Court for the

* Eastern District of Arkansas

*

*

*

The court previously granted rehearing en banc in this case by order dated August 16, 2004. The en banc oral argument is hereby scheduled to be held in Courtroom No. 1 in the Warren E. Burger United States Courthouse, 316 N. Robert St., St. Paul, Minnesota, at 9:00 a.m. on Wednesday, March 9, 2005.

The court requests that the parties submit supplemental briefs on or before Wednesday, February 23, 2005, limited to whether the district court committed sentencing error in light of United States v. Booker, Nos. 04-104/105, 2005 WL 50108 (U.S. Jan. 12, 2005), and if so, whether it is plain error warranting relief under Fed. R. Cr. P. 52(b), as construed in United States v. Olano, 507 U.S. 725, 732-37 (1993).

Other interested persons may file briefs amicus curiae addressing these questions on or before February 23, without the need to obtain leave of court to do so pursuant to Fed. R. App. P. 29. To maintain the uniformity of its decisions, the court will continue to hold pending cases raising similar plain error questions.

February 1, 2005

Order Entered at the Direction of the Court:

Clerk, U.S. Court of Appeals, Eighth Circuit